IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 18960 of 2004(F)

PETITIONER:

P. MOIDEEN HAJI, T.P. BEEVI HOUSE,
MILL ROAD, VALAPATTANAM, KANNUR.
(PRESENTLY RESIDING AT MYTHIRI BHAVAN,
THANA, KANNUR-1.)

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:
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1. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE,
KANNUR.

2. STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DELIVERED THE FOLLOWING:

WP(C) NO: 18960/2004 F

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DT. 6/2/95 BY R1 ALLOTING 28 CENTS OF LABD TO THE PETITIONER.

EXT.P2. COPY OF THE AGREEMENT DT. 28/2/95 BETWEEN THE PETITIONER AND THE R1.

EXT.P3. COPY OF THE CERTIFICATE BY R1 DT. 18/09/95 TO THE EFFECT THAT PETITIONER HAS MADE AN OUT RIGHT PURCHASE.

EXT.P4. COPY OF THE PERMIT BY THE PANCHAYAT DT. 12/11/96.

EXT.P5. COPY OF THE LETTER SENT BY THE PROJECT OFFICER UNDER R1 DT. 24/2/97.

EXT.P6. COPY OF THE NOTICE ISSUED BY R1 DT. 11/6/03.

EXT.P7. COPY OF THE REPLY BY PETITIONER DT. TO THE R1.

EXT.P8. COPY OF THE NOTICE DT. 27/4/04 FROM R1 ASKING THE PETITIONER TO SURRENDER THE PLOT.

EXT.P9. COPY OF THE REPLY TO EXT. P8 SENT BY THE PETITIONER ON 26/5/04.

EXT.P10. COPY OF THE RECEIPT FOR SENDING EXT. P9 UNDER REGD. POST.

EXT.P11. COPY OF THE ORDER DT. 28/5/04 BY R1 ASKING THE PETITIONER TO PAY RESUMPTION INTEREST.

RESPONDENT'S EXHIBITS **NIL**

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 18960 OF 2004

Dated this the 5th day of July, 2007.

J U D G M E N T

Petitioner is essentially aggrieved by Exhibit P11 order passed by the first respondent. The main grievance of the petitioner is that the order passed by the first respondent is in violation of the principles of natural justice.

2. Having regard to the allegations raised in this writ petition, it is only proper that the matter is to be considered afresh after affording an opportunity of hearing to the petitioner. Accordingly, Exhibit P11 is quashed with a direction to the first respondent to consider the matter afresh after affording an opportunity of hearing to the petitioner and pass appropriate orders in accordance with law, within another four months.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp